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09/916,064	07/26/2001	Michael Allen Seigler	SEAG 48089 7270	
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Robert P. Lenart			EXAMINER	
Pietragallo, Bosick & Gordon One Oxford Centre, 38th Floor			KIM, PAUL D	
301 Grant Street Pittsburgh, PA 15219		ART UNIT	PAPER NUMBER	
<i>8</i> .,			3729	2
			DATE MAILED: 06/26/2003	\ 7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No.	À		Λ.				
## Examiner Paul D Kim 3729 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Electrosis of time may be available under the positions of 37 CPR 1.155(a). In no event, however, may a reply be limitly filed. If the period for reply specified above, the macerum statchery prior of well provide the statchery prior of the providence of time providence of the provid	Ţ.	Application No.	Applicant(s)				
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 4pplication Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 						
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7, 9-11, 13-17, 19 and 20, drawn to a method for making a magnetic sensor for a disk drive, classified in class 29, subclass 603.12.
 - II. Claims 8, 12, 18 and 21, drawn to a magnetic sensor, classified in class360, subclass 126.
- 2. Inventions Group I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as using on ion etching process instead of chemical mechanical polishing process for planarizing process.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. If applicant elects Group I, then this application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, drawn to Fig. 3-11.

Species B, drawn to Fig. 12.

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Species C, drawn to Fig. 13.

Species D, drawn to Fig. 14.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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5. A telephone call was made to Mr. Lenart on 6/9/2003 to request an oral election

to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must

include an election of the invention to be examined even though the requirement be

traversed (37 CFR 1.143).

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul D Kim whose telephone number is 703-308-8356.

The examiner can normally be reached on Tuesday-Friday between 7:00 AM to 5:30

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9302 for

regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-306-

5648.

pdk

June 25, 2003

A. DEXTER TUGBANG

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